IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.186 of 2007

DATE OF ORDER: 5.4.2007

Gurjit Singh

...Petitioner(s)

Versus

Mohinder Singh

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr.Gurcharan Dass, Advocate.

Mr. Puneesh Jindia, Advocate.

M.M. AGGARWAL,J

This is petition against judgment dated 1.12.2006 passed by Additional District Judge (Ad hoc), Jalandhar whereby an appeal filed by the plaintiff-petitioners against an order of the trial Court dated 3.11.2006 was dismissed.

Plaintiff, now petitioners had filed suit for maintenance against defendant-respondent, who happens to be grand-father of the minors petitioners No.2 & 3 and father-in-law of petitioner No.1. With that suit, an application U/o 39 Rule 1 & 2 CPC was filed for restraining the defendant from alienating the property during the pendency of the suit. Defendant made statement that he will not alienate the property during the pendency of the suit but during the pendency of the suit, he made application and then gave the property on lease for the purpose of brick kiln.

On behalf of the petitioner, it had been argued before the trial Court that giving property on lease to a brick kiln amounts to alienation and wasting of the property. However, courts below found that giving property on lease for brick kiln is an act of good management and no injunction was required.

On behalf of the petitioner, it is also stated that the application

for interim maintenance during the pendency of suit is also pending before the trial Court.

At this stage, I do not find any good ground to interfere. Let trial Court to decide the application for interim maintenance expeditiously, if pending before it.

With this observation, petition stands disposed of.

April 05, 2007 (M.M. AGGARWAL)
manoj JUDGE